



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Monday July 13, 2015

Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Petitions

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

Telecom North America, Inc. (TNA) and Telecom North America Mobile, Inc. (TNA-Mobile) (collectively, "Petitioners") request that the Commission approve an increase in ownership of TNA by Knowroaming, Ltd. (KRL), a Canadian corporation, from the currently authorized controlling 50 percent stake to 100 percent pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4), and section 1.990(a)(1) of the Commission's rules, 47 C.F.R. § 1.990(a)(1). Petitioners filed the instant petition in connection with their application for consent to the pro forma transfer of control that occurred on April 28, 2015, when KRL increased its controlling ownership stake in TNA to 75 percent, without prior Commission approval. (ULS File Nos. 0006786558, 0006869900, 0006869973, 0006786558).

TNA-Mobile and its 100 percent parent company, Telecom North America, Inc. (TNA), are both organized in Nevada. TNA-Mobile holds a Personal Communications Service (PCS) license covering Cedar County, Missouri, and several common carrier spectrum manager lease authorizations for PCS and cellular spectrum in areas of Arizona and Nevada.

Petitioners note that the Commission has previously approved foreign ownership of TNA-Mobile in excess of the 25 percent benchmark in section 310(b)(4) pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000). Most recently, the Commission approved foreign ownership of TNA-Mobile's controlling U.S. parent, TNA, by KRL up to and including a 50 percent (negative) controlling interest. See International Authorizations Granted, Public Notice, DA 14-1725, 29 FCC Rcd 14433 (Int'l Bur. 2014) (2014 Ruling) (also permitting the foreign individuals and entities named in the ruling to hold equity and/or voting interests in TNA up to and including the amounts specified in the ruling, subject to TNA's compliance with the commitments and undertakings contained in its November 13, 2014 letter to the U.S. Department of Justice).

Petitioners also note that the Commission has previously approved the foreign ownership of TNA by Mr. Johannes (Jean) Gottschalk, a German citizen and permanent U.S. resident, and Mr. Herve R. Andrieu, a French citizen and permanent U.S. resident. See International Authorizations Granted, Public Notice, DA 11-259, 26 FCC Rcd 1359, 1362 (Int'l Bur. 2011) (permitting Mr. Gottschalk and Mr. Andrieu to each have a 50 percent ownership interest in TNA, subject to TNA's compliance with the commitments and undertakings contained in its January 21, 2011 letter to the U.S. Department of Justice). On April 28, 2015, KRL acquired the 25 percent interest formerly held by Mr. Andrieu, bringing its ownership stake in TNA to 75 percent. The remaining 25 percent of TNA's equity and voting interests continue to be held by Mr. Gottschalk.

Petitioners state that KRL continues to be owned as described in the 2014 Ruling: 25 percent by Gregory Gundelfinger (a dual citizen of Germany and South Africa, and a permanent resident of Canada); 25 percent by Mathew Stein (who recently obtained Canadian citizenship and has relinquished his South African citizenship); and 50 percent by Carlyle, Kft. (Carlyle), a Hungarian corporation. Carlyle is a wholly-owned direct subsidiary of Ki Unlimited, a British Virgin Islands corporation which is, in turn, wholly owned by Ki Corporation Limited, a Jersey (Channel Islands) corporation (Ki). According to the Petition, Ki's ownership also has not changed since the 2014 Ruling.

Pursuant to section 1.990(a)(1), Petitioners request that the Commission authorize 100 percent ownership of TNA by KRL subject to the terms and conditions of section 1.994. Petitioners also request specific approval for Mr. Gottschalk to continue to hold his 25 percent equity and voting interest in TNA, whether directly or indirectly through KRL.

Petitioners agree to accept all conditions set forth in TNA's November 13, 2014 letter to the U.S. Department of Justice as a condition for receipt of the approvals requested in the Petition. Petitioners also commit to provide a copy of any future applications for additional spectrum authority to the relevant Executive Branch agencies within two days of filing.

Interested parties may file comments on or before July 27, 2015, and reply comments on or before August 3, 2015.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–2003.